

Houghton	Moran (VA)	Shaw
Hoyer	Morella	Shays
Hulshof	Myrick	Sherman
Hunter	Nethercutt	Shimkus
Hutchinson	Neumann	Shuster
Hyde	Ney	Sisisky
Inglis	Northup	Skaggs
Jenkins	Norwood	Skeen
John	Nussle	Smith (MI)
Johnson (CT)	Oxley	Smith (NJ)
Johnson, Sam	Packard	Smith (OR)
Jones	Pappas	Smith (TX)
Kasich	Parker	Smith, Adam
Kelly	Pease	Smith, Linda
Kim	Peterson (PA)	Snyder
Kingston	Petri	Solomon
Klecza	Pickering	Souder
Klug	Pickett	Spence
Knollenberg	Pitts	Stearns
Kolbe	Pombo	Stenholm
Kucinich	Porter	Stump
LaHood	Portman	Sununu
Largent	Pryce (OH)	Talent
Latham	Quinn	Tauzin
LaTourette	Radanovich	Taylor (NC)
Lazio	Ramstad	Thomas
Levin	Redmond	Thornberry
Lewis (CA)	Regula	Thune
Lewis (KY)	Riggs	Tiahrt
Linder	Riley	Tierney
Lipinski	Rivers	Towns
Livingston	Roemer	Turner
Lucas	Rogan	Upton
Manton	Rogers	Walsh
Manzullo	Rohrabacher	Wamp
McCarthy (MO)	Ros-Lehtinen	Watkins
McCollum	Roukema	Watts (OK)
McCrery	Royce	Weldon (FL)
McGovern	Ryun	Weldon (PA)
McHale	Salmon	Wexler
McHugh	Sawyer	White
McInnis	Saxton	Whitfield
McIntosh	Scarborough	Wicker
McIntyre	Schaefer, Dan	Wise
McKeon	Schaefer, Bob	Wolf
Metcalf	Scott	Young (AK)
Mica	Sensenbrenner	Young (FL)
Moakley	Sessions	
Moran (KS)	Shadegg	

NOT VOTING—14

Bateman	Gonzalez	Paxon
Clay	Hastings (FL)	Snowbarger
Davis (FL)	Istook	Spratt
Dixon	Meek (FL)	Tanner
Fattah	Miller (FL)	

So the amendment was not agreed to.
After some further time,

§33.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CONYERS:

Add the following at the end:

SEC. 12. FOREIGN JURISDICTION AND PROCESS.

(a) IN GENERAL.—Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1697. Foreign jurisdiction; service of process; compliance with rules of discovery

“(a) FOREIGN JURISDICTION AND PROCESS.—In any civil action for harm sustained in the United States, that is brought in a Federal court against a defendant located outside the United States, the court in which the action is brought shall have jurisdiction over such defendant if the defendant knew or reasonably should have known that its conduct would cause harm in the United States. Process in such civil action may be served wherever the defendant is located, has an agent, or transacts business.

“(b) COMPLIANCE WITH RULES OF DISCOVERY.—In any action described in subsection (a), any party who is a citizen or national of a foreign country shall comply with the rules governing the conduct of discovery in the same manner and to the same extent as a party that is a citizen of the United States, except that the deposition of a person who is a citizen or national of a foreign country may be taken only by leave of the

court on such terms as the court prescribes.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

“1697. Foreign jurisdiction; service of process; compliance with rules of discovery.”.

It was decided in the { Yeas 200
negative } Nays 216

§33.15 [Roll No. 107]
AYES—200

Abercrombie	Green	Nadler
Ackerman	Gutierrez	Neal
Allen	Hall (OH)	Oberstar
Andrews	Hamilton	Obey
Baessler	Harman	Oliver
Baldacci	Hefner	Ortiz
Ballenger	Hilleary	Owens
Barcia	Hinchee	Pallone
Barrett (WI)	Holden	Pappas
Becerra	Hooley	Pascarell
Bentsen	Hoyer	Pastor
Berman	Hunter	Payne
Berry	Jackson (IL)	Pelosi
Bishop	Jackson-Lee	Pomeroy
Blagojevich	(TX)	Price (NC)
Blumenauer	Jefferson	Rahall
Bonior	John	Rangel
Borski	Johnson (WI)	Reyes
Boswell	Johnson, E. B.	Rivers
Boucher	Kanjorski	Rodriguez
Brown (CA)	Kaptur	Roemer
Brown (FL)	Kennedy (MA)	Roybal-Allard
Brown (OH)	Kennedy (RI)	Rush
Capps	Kennelly	Sabo
Cardin	Kildee	Salmon
Carson	Kilpatrick	Sanchez
Chabot	Kind (WI)	Sanders
Clayton	Klecza	Sandlin
Clement	Klink	Sawyer
Clyburn	Kucinich	Schumer
Condit	LaFalce	Scott
Conyers	Lampson	Serrano
Costello	Lantos	Sherman
Coyne	Lee	Skaggs
Cummings	Levin	Skelton
Danner	Lewis (GA)	Slaughter
Davis (FL)	LoBiondo	Smith (MI)
Davis (IL)	Loftgren	Smith, Adam
Deal	Lowey	Snyder
DeFazio	Luther	Spratt
DeGette	Maloney (CT)	Stabenow
Delahunt	Maloney (NY)	Stark
DeLauro	Manton	Stearns
Deutsch	Markey	Stokes
Dicks	Martinez	Strickland
Dingell	Mascara	Stupak
Doggett	Matsui	Tauscher
Dooley	McCarthy (MO)	Taylor (MS)
Doyle	McCarthy (NY)	Thompson
Duncan	McDermott	Thurman
Edwards	McGovern	Tierney
Ehrlich	McHale	Torres
Engel	McHugh	Towns
English	McIntyre	Traficant
Ensign	McKinney	Velazquez
Eshoo	McNulty	Vento
Etheridge	Meehan	Visclosky
Evans	Meeks (NY)	Wamp
Farr	Menendez	Waters
Fazio	Millender	Watt (NC)
Filner	McDonald	Waxman
Ford	Miller (CA)	Weygand
Frank (MA)	Minge	Wise
Franks (NJ)	Mink	Woolsey
Frost	Moakley	Wynn
Furse	Mollohan	Yates
Gejdenson	Moran (VA)	
Gephardt	Morella	

NOES—216

Aderholt	Bliley	Callahan
Archer	Blunt	Calvert
Armey	Boehlert	Camp
Bachus	Boehner	Campbell
Baker	Bonilla	Canady
Barr	Bono	Cannon
Barrett (NE)	Boyd	Castle
Bartlett	Brady	Chambliss
Barton	Bryant	Chenoweth
Bass	Bunning	Christensen
Bereuter	Burr	Coburn
Bilbray	Burton	Collins
Bilirakis	Buyer	Combest

Cook	Jenkins	Ramstad
Cooksey	Johnson (CT)	Redmond
Cox	Johnson, Sam	Regula
Cramer	Jones	Riley
Crane	Kasich	Rogan
Crapo	Kelly	Rogers
Cubin	Kim	Rohrabacher
Cunningham	King (NY)	Ros-Lehtinen
Davis (VA)	Kingston	Rothman
DeLay	Klug	Roukema
Diaz-Balart	Knollenberg	Royce
Dickey	Kolbe	Ryun
Doolittle	LaHood	Sanford
Dreier	Largent	Saxton
Dunn	Latham	Scarborough
Ehlers	LaTourette	Schaefer, Dan
Emerson	Lazio	Schaefer, Bob
Everett	Leach	Sensenbrenner
Ewing	Lewis (CA)	Sessions
Fawell	Lewis (KY)	Shadegg
Foley	Linder	Shaw
Forbes	Lipinski	Shays
Fossella	Livingston	Shimkus
Fowler	Lucas	Shuster
Frelinghuysen	Manzullo	Sisisky
Gallely	McCollum	Skeen
Ganske	McCrery	Smith (NJ)
Gekas	McDade	Smith (OR)
Gibbons	McInnis	Smith (TX)
Gilchrest	McIntosh	Smith, Linda
Gillmor	McKeon	Snowbarger
Gilman	Metcalf	Solomon
Goode	Mica	Souder
Goodlatte	Moran (KS)	Spence
Goodling	Murtha	Stenholm
Gordon	Myrick	Stump
Goss	Nethercutt	Sununu
Graham	Neumann	Talent
Granger	Ney	Tauzin
Greenwood	Northup	Taylor (NC)
Gutknecht	Norwood	Thomas
Hansen	Nussle	Thornberry
Hastert	Oxley	Thune
Hastings (WA)	Packard	Tiahrt
Hayworth	Parker	Turner
Hefley	Paul	Upton
Herger	Pease	Walsh
Hill	Peterson (MN)	Watkins
Hilliard	Peterson (PA)	Watts (OK)
Hobson	Petri	Weldon (FL)
Hoekstra	Pickering	Weldon (PA)
Horn	Pickett	Weller
Hostettler	Pitts	Wexler
Houghton	Pombo	White
Hulshof	Porter	Whitfield
Hutchinson	Portman	Wicker
Hyde	Pryce (OH)	Wolf
Inglis	Quinn	Young (AK)
	Radanovich	Young (FL)

NOT VOTING—16

Bateman	Gonzalez	Paxon
Clay	Hastings (FL)	Poshard
Coble	Hinojosa	Riggs
Dixon	Istook	Tanner
Fattah	Meek (FL)	
Fox	Miller (FL)	

So the amendment was not agreed to.

§33.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ADERHOLT:

Page 8, line 15, insert “or to disburse any funds to remedy the deprivation of a right under the Constitution,” after “tax.”.

Page 8, line 21, strike “or assessment” and insert “assessment, or disbursement”.

Page 9, strike lines 1 through 24 and insert the following:

“(C) the tax or assessment will not contribute to or exacerbate the deprivation intended to be remedied, including through its effect on property values or otherwise;

“(D) plans submitted to the court by State and local authorities will not effectively redress the deprivations at issue; and

“(E) the interests of State and local authorities in managing their affairs are not usurped, in violation of the Constitution, by the proposed imposition, increase, levying, or assessment.

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which—

"(A) expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution; or

"(B) will necessarily require a State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution.

"(3) If the court finds that the conditions set forth in paragraph (1) have been satisfied, it shall enter an order incorporating that finding, and that order shall be subject to immediate interlocutory de novo review.

Page 10, line 7, insert after "tax," the following: "and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement."

Page 10, line 16, insert ", or disburse the funds," after "tax".

Page 10, line 21, insert ", or the disbursement of funds," after "tax".

Page 10, line 25, insert "or the disbursement of funds, as the case may be" after "tax".

Page 11, line 10, insert ", or a disbursement of funds that is made," after "imposed".

It was decided in the { Yeas 174
negative Nays 236

33.17

[Roll No. 108]
AYES—174

Aderholt	Fowler	Myrick
Archer	Gallegly	Nethercutt
Armey	Gekas	Neumann
Bachus	Gibbons	Northup
Baker	Gillmor	Norwood
Ballenger	Goode	Nussle
Barr	Goodlatte	Packard
Barrett (NE)	Goodling	Parker
Bartlett	Goss	Paul
Barton	Graham	Pease
Bereuter	Granger	Peterson (MN)
Bilirakis	Hall (TX)	Peterson (PA)
Bliley	Hansen	Pickering
Blunt	Hastert	Pickett
Boehner	Hastings (WA)	Pitts
Bonilla	Hayworth	Pombo
Bono	Hefley	Portman
Brady	Hefner	Radanovich
Bryant	Herger	Redmond
Bunning	Hill	Riley
Burr	Hilleary	Rogan
Burton	Hoekstra	Rogers
Callahan	Hostettler	Rohrabacher
Calvert	Hulshof	Royce
Canady	Hunter	Ryun
Cannon	Hutchinson	Salmon
Chabot	Hyde	Sanford
Chambliss	Inglis	Scarborough
Chenoweth	Jenkins	Schaefer, Dan
Christensen	Johnson, Sam	Schaffer, Bob
Coburn	Jones	Sensenbrenner
Collins	Kasich	Sessions
Combest	Kim	Shadegg
Condit	King (NY)	Shaw
Cook	Kingston	Shimkus
Cooksey	Knollenberg	Shuster
Cramer	Kolbe	Sisisky
Crane	Largent	Skeen
Crapo	Latham	Smith (MI)
Cubin	Lewis (CA)	Smith (OR)
Cunningham	Lewis (KY)	Smith (TX)
Danner	Linder	Smith, Linda
Deal	Livingston	Snowbarger
DeLay	Lucas	Solomon
Dickey	Manzullo	Spence
Doolittle	McCollum	Stearns
Dreier	McCrery	Stenholm
Duncan	McHugh	Stump
Dunn	McInnis	Talent
Ehrlich	McIntosh	Tauzin
Emerson	McIntyre	Taylor (NC)
Ensign	McKeon	Thomas
Everett	Metcalf	Thornberry
Foley	Mica	Thune
Fossella	Moran (KS)	Tiahrt

Traficant
Wamp
Watkins

Watts (OK)
Weldon (FL)
Wicker

Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewings
Farr
Fawell
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrist
Gilman
Gordon
Green
Greenwood
Gutierrez
Gutknecht

Hall (OH)
Hamilton
Harman
Hilliard
Hinchey
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markley
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver

Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Bateman
Buyer
Camp
Clay
Coble
Cox
Davis (IL)
Dixon
Fattah
Fox
Gonzalez
Hastings (FL)
Hinojosa
Istook
Kaptur
Meek (FL)
Miller (FL)
Paxon
Poshard
Riggs
Souder
Tanner

So the amendment was not agreed to.
After some further time,
The SPEAKER pro tempore, Mr.
SNOWBARGER, assumed the Chair.

When Mr. ROGERS, Acting Chairman, pursuant to House Resolution 408, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Reform Act of 1998".

SEC. 2. 3-JUDGE COURT FOR ANTICIPATORY RELIEF.

(a) REQUIREMENT OF 3-JUDGE COURT.—Any application for anticipatory relief against the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground that the State law is repugnant to the Constitution, treaties, or laws of the United States unless the application for anticipatory relief is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for anticipatory relief.

(b) DEFINITIONS.—As used in this section—
(1) the term "State" means each of the several States and the District of Columbia;

(2) the term "State law" means the constitution of a State, or any statute, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto;

(3) the term "referendum" means the submission to popular vote, by the voters of the State, of a measure passed upon or proposed by a legislative body or by popular initiative; and

(4) the term "anticipatory relief" means an interlocutory or permanent injunction or a declaratory judgment.

(c) EFFECTIVE DATE.—This section applies to any application for anticipatory relief that is filed on or after the date of the enactment of this Act.

SEC. 3. INTERLOCUTORY APPEALS OF COURT ORDERS RELATING TO CLASS ACTIONS.

(a) INTERLOCUTORY APPEALS.—Section 1292(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and
(2) by adding at the end the following:

"(2) A party to an action in which the district court has made a determination of whether the action may be maintained as a class action may make application for appeal of that determination to the court of appeals which would have jurisdiction of an appeal of that action. The court of appeals may, in its discretion, permit the appeal to be taken from such determination if the application is made within 10 days after the entry of the court's determination relating to the class action. Application for an appeal under this paragraph shall not stay proceedings in the district court unless the district judge or the court of appeals or a judge thereof shall so order."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any action commenced on or after the date of the enactment of this Act.